

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Case No.: 3:22-cv-00159-MMD-CSD

CHAD WINDHAM MITCHELL,

Plaintiff

V.

CARSON CITY SHERIFF'S OFFICE, et al.,

Defendants

Order

Re: ECF No. 73

Before the court is Plaintiff's request for a protective order for preservation of evidence. (ECF No. 73.) Plaintiff requests the court order the Clerk to receive actual physical evidence related to his case. He states that in light of the denial of his motion for appointment of counsel, he has no secure access or guaranteed way to protect the physical evidence. He references Local Rule 79-1.

Local Rule 79-1 provides that the “Clerk must mark and have safekeeping responsibility for all exhibits marked and identified *at trial or hearing*” and must retain custody of the exhibits “until the judgment has become final and the deadlines for filing a notice of appeal and motion for a new trial have passed, or appeal proceedings have terminated.” LR 79-1(b), (c).

Preliminarily, Plaintiff has not described what this physical evidence is or how it relates to this case. More importantly, the evidence is not being submitted in connection with either a hearing or trial as neither are currently scheduled before the court. Therefore, there is no basis for the court to direct the Clerk to take custody of the unidentified physical evidence.

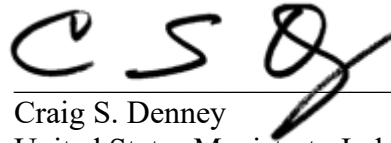
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1 For these reasons, Plaintiff's motion (ECF No. 73) is **DENIED**.

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3 **IT IS SO ORDERED.**

4 Dated: June 10, 2024

5 
6 Craig S. Denney
7 United States Magistrate Judge